

**REMARKS**

This communication responds to the Restriction Requirement dated October 28, 2008.

**Election/Restriction**

The Examiner required restriction between the following groups of claims:

Group I: Claims 1, 2, 4-7, 9, 10, 25, 27, 29, 31, 32, 34-37, 39-42 and 48, drawn to a first method of preparing a modified bone matrix;

Group II: Claims 1-7, 9, 10, 25, 27, 29, 31-37, 39-42 and 48, drawn to a second method of preparing a modified bone matrix;

Group III Claims 1, 7-10, 25, 27, 29, 31, 37-42 and 48, drawn to a third method of preparing a modified bone matrix;

Group IV Claims 1, 7, 9-11, 25, 27, 29, 31, 37, 39-42 and 48, drawn to a fourth method of preparing a modified bone matrix;

Group V Claims 1, 7, 9, 10, 12-14, 25, 27, 29, 31, 37, 39-42, 48 and 54-60, drawn to a fifth method of preparing a modified bone matrix;

Group VI Claims 1, 7, 9, 10, 12, 15-17, 25, 27, 29, 31, 37, 39-42 and 48, drawn to a sixth method of preparing a modified bone matrix;

Group VII Claims 1, 7, 9, 10, 12, 18, 19, 25, 27, 29, 31, 37, 39-42 and 48, drawn to a seventh method of preparing a modified bone matrix;

Group VIII Claims 1, 7, 9, 10, 20, 25, 27, 29, 31, 37, 39-42 and 48, drawn to an eighth method of preparing a modified bone matrix;

Group IX Claims 1, 7, 9, 10, 12, 21-25, 27, 29, 31, 37, 39-42, 48 and 61-65, drawn to a ninth method of preparing a modified bone matrix;

Group X      Claims 1, 7, 9, 10, 12, 25-27, 29, 31, 37, 39-42 and 48, drawn to a tenth method of preparing a modified bone matrix;

Group XI      Claims 31, 37, 39-43, 48 and 66-72, drawn to an eleventh method of preparing a modified bone matrix;

Group XII      Claims 31, 37, 39-42, 44 and 48, drawn to a twelfth modified bone matrix;

Group XIII      Claims 31, 37, 39-42, 45, 46 and 48, drawn to a thirteenth modified bone matrix;

Group XIV      Claims 28, 30 and 47, drawn to a method of treating a subject by implanting a modified bone matrix composition treated to have increased biological activity into a bone or cartilage defect;

Group XV      Claim 49, drawn to a first method of preparing a cell composition;

Group XVI      Claims 52 and 53, drawn to a cell composition; and

Group XVII      Claims 50 and 51, drawn to a method of treating a subject by implanting a cell composition formed by contacting cells with a modified bone matrix composition treated to have increased biological activity.

Applicants hereby elect Group III, encompassing claims 1, 7-10, 25, 27, 29, 31, 37-42 and 48 for further examination. Claims 2-6, 11-24, 26, 28, 30, 32-36, 43-47, 49-72 are withdrawn without prejudice.

### **Conclusion**


This response is being submitted on or before January 28, 2008 with the required fee of for a two-month extension of time, making this a timely response. It is believed that no additional fees are due in connection with this filing. However, the Commissioner is authorized to charge any additional fees, including extension fees or other relief which may be required, or credit any overpayment and notify us of same, to Deposit Account No. 04-1420.

This application now stands in allowable form and reconsideration and allowance is respectfully requested. If it would expedite prosecution, the Examiner is invited to contact the Applicants' representative at the number provided below.

Respectfully submitted,

**DORSEY & WHITNEY LLP**  
**Customer Number 25763**

Date: 11/13/08

By:   
Kenneth E. Levitt, Reg. No. 39,747  
(612) 340-2755